

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 11, 2004**

DIVISION ONE

B159982      Donabedian                      (Certified for Publication)  
                 v.  
                 Mercury Insurance Company

The judgment is reversed. Appellant(s) to recover costs.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

DIVISION TWO

B161860      Peterson, et al.                      (Not for Publication)  
                 v.  
                 Jackson, et al.

The orders of the trial court are affirmed in part, reversed in part, and remanded with directions. The parties to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                         Doi Todd, J.

March 11, 2004 (Continued)

## DIVISION TWO (Continued)

B164248      People      (Not for Publication)  
v.  
Garcia

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Nott, Acting P.J.  
Doi Todd, J.

## DIVISION THREE

B163253 People (Not for Publication)  
v.  
Mekonnen

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B167857      Judith H. Painter      (Not for Publication)  
v.  
Thomas Painter

The judgment is affirmed. Thomas's request for an award of attorney fees on appeal is denied. Judy is entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B168795      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Ernestina M., et al.

The appeals are dismissed.

Kitching, J.

We concur:   Klein, P.J.  
                  Croskey, J.

B164118      Frank Snowney, et al.      (Certified for Partial Publication)  
v.  
Harrah's Entertainment, Inc., et al.

The judgment of dismissal is affirmed as to defendants Harrah's Entertainment, Inc., Rio Hotel & Casino, Inc., Harveys Casino Resorts, Harrah's Reno Holding Company, Inc., Rio Vegas Hotel & Casino, Inc., Harrah's Management Company, and Harveys P.C., Inc., and reversed as to defendants Harrah's Las Vegas, Inc., Harrah's Laughlin, Inc., Harrah's Operating Company, Inc., Rio Properties, Inc., and Harveys Tahoe Management Company, Inc. The defendants in the former group are entitled to costs on appeal. Snowney is entitled to costs on appeal against the latter group of defendants only.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

March 11, 2004 (Continued)

### DIVISION THREE (Continued)

B166255 People (Not for Publication)  
v.  
Arturo N.

The order continuing wardship is modified by modifying probation condition numbers 15, 16 and 21, to read: "(do) not associate with anyone known by you to be disapproved of by your parents or the probation officer"; "do not have any dangerous or deadly weapon in your possession or remain in the presence of any person known by you to be an unlawfully armed person"; and "do not use or possess narcotics, controlled substances, poisons, or related paraphernalia and stay away from places where you know users congregate," respectively. As modified, the order of wardship is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B168811 People (Not for Publication)  
v.  
Wade

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B164594 People (Not for Publication)  
v.  
Bates

The judgment is affirmed. The sentencing court is directed to amend the abstract of judgment to reflect that appellant was convicted on count five of carrying a loaded and unregistered firearm, a violation of Penal Code section 12031, subdivision (a). The sentencing court is further directed to forward the amended abstract of judgment to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B168410 People (Not for Publication)  
v.  
Taylor

The judgment is modified by adding three days of Penal Code section 2900.5, subdivision (a) custody credit, and 106 days of Penal Code section 4019 conduct credit and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

March 11, 2004 (Continued)

### DIVISION THREE (Continued)

B166142 People (Not for Publication)  
v.  
Andrews

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B169401 Alexandra Castro, et al. (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(California Savings, The Sterling Family Trust, R. Sterling, etc., r.p.i.)

In light of the parties' settlement and dismissal of this action (see fn.3, ante), the alternative writ is discharged and the petition is dismissed as moot. Each party shall bear their own costs.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B167834 Oscar E. Toscano (Not for Publication)  
v.  
Triangle Brass Manufacturing, et al.

The judgment is affirmed. Each party to bear their own costs.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

March 11, 2004 (Continued)

DIVISION THREE (Continued)

B160799      Stephen Ingram                      (Not for Publication)

v.

Regents of the University of California

The judgment is reversed in part, affirmed in part, and remanded with directions. The trial court improperly granted summary judgment on Ingram's FEHA claims (first, third, fifth, eighth, and ninth causes of action) based on failure to exhaust judicial remedies. The case is remanded for consideration by the trial court of the alternative substantive grounds for summary judgment raised in the university's motion for summary judgment. In all other respects, the judgment is affirmed. Each party to bear their own costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                     Aldrich, J.

DIVISION FIVE

B164437      People                                      (Not for Publication)

v.

In Re Emilio C. A Person Coming Under the Juvenile Court Law

The order continuing the juvenile court's wardship over appellant and committing appellant to the California Youth Authority is affirmed. The juvenile court's designation of appellant's Penal Code section 288.5, subdivision (a) offense as an offense listed under Welfare and Institutions Code section 707, subdivision (b), is affirmed. The matter is remanded to the juvenile court with directions to (1) amend its November 27, 2003 disposition order to reflect the court's dismissal of count 1 (Pen. Code, § 288, subd. (a)) in the September 13, 2002 petition; and (2) calculate the amount of appellant's predisposition custody credit, including credit to which he is entitled pursuant to the previously sustained October 27, 2000 and November 14, 2001 petitions.

Mosk, J.

We concur:    Turner, P.J.  
                     Grignon, J.

March 11, 2004 (Continued)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B169347     Silvers  
              v.  
              Waters

Merits:  
Argued by Benjamin L. Hecht for appellants and by Adrienne K. Miller for respondent. Cause submitted.

B163544     Humkar  
              v.  
              Petillo

Merits:  
Argued by David J. Hart for appellants and by Sidney Lanier for respondents. Cause submitted.

B166082     Marriage  
              of  
              Burnell

Merits:  
Argued by Davida M. Rosenthal for appellant and by Julie A. Duncan for respondent. Cause submitted.

B167506     McDaniel  
              v.  
              Ventura Co.

Merits:  
Argued by Jay M. Johnson for appellant and by Thomas R. Yanger, Deputy Attorney General, for respondent. Cause submitted.

Court recessed at 9:45 A.M.



March 11, 2004 (Continued)

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., G. Bents, Senior Deputy Clerk and P. McGill, Chief Deputy Clerk.

Each of the following:

B161915 People v. Alonso  
B162575 People v. Alex  
B162598 People v. Antonio G.  
B163370 People v. Corella  
B164906 People v. Geise  
B167861 People v. Lemus

Argument waived, cause submitted.

B168884     Human Services Agency  
              v.  
              Chantel W. & Terry C.

Merits:

Argued by Oliver Hess, Assistant County Counsel for respondent.  
Argument previously waived by appellants. Cause submitted.

B165443     People  
              v.  
              Angela G.

Merits:

Argued by Michael C. McMahon, Chief Deputy Public Defender, for appellant and by Stephanie C. Brennan, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B161993     People  
              v.  
              Virk

Merits:  
Argued by Richard C. Gilman for appellant and by Margaret E. Maxwell,  
Deputy Attorney General, for respondent. Cause submitted.

B161541     People  
              v.  
              Green

Merits:  
Argued by Laini M. Melnick for appellant and by Michael A. Katz, Deputy  
Attorney General, for respondent via video conference. Cause submitted.

B167538     People  
              v.  
              Lazo

Merits:  
Argued by Edward J. Haggerty for appellant and by Kenneth N. Sokoler,  
Deputy Attorney General, for respondent via video conference. Cause  
submitted.

Gilbert, P.J., left the bench.

B162603     People  
              v.  
              Anderson

Merits:  
Argued by Esther R. Sorkin for appellant and by Analee Brodie, Deputy  
Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. returned to the bench.

DIVISION SIX (Continued)

B167054     People  
              v.  
              Estrada

Merits:  
Argued by Patricia Ihara for appellant and by Yun K. Lee, Deputy Attorney General, for respondent via video conference. Cause submitted.

B168711     People  
              v.  
              Moore

Merits:  
Argued by Donald B. Marks for appellant and by Mary Sanchez, Deputy Attorney General, for respondent via video conference. Cause submitted.

B165687     People  
              v.  
              Merchand

Merits:  
Argued by John A. Colucci for appellant and by Laura H. Steuch, Deputy Attorney General, for respondent via video conference. Cause submitted.

B165157     People  
              v.  
              Millan

Merits:  
Argued by Matthew D. Alger for appellant and by David A. Voet, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B169653      People  
                  v.  
                  White

Merits:

Argued by Brent Riggs, Deputy District Attorney, for appellant and by Stephanie Freidenreich, Deputy Public Defender, for respondent. Cause submitted.

Yegan, J. left the bench.

B170328      In Re Stevens on Habeas Corpus

OSC:

Presented by Ramon Stevens, petitioner, appearing in propria persona and by Nicholas N. Paul, Deputy Attorney General, for respondent. Cause submitted.

B171673      Blair  
                  v.  
                  Santa Barbara Superior Court  
                  (The People , r.p.i.)  
                  (Ballesteros, r.p.i.)

OSC:

Presented by Diane Matsinger for petitioner; by Robert M. Sanger for real party in interest; and by Raimundo Montes De Oca, Deputy Public Defender, for amicus curiae. Presentation waived by real party in interest The People. Cause submitted.

Court adjourned at 4:20 P.M.

March 11, 2004 (Continued)

## DIVISION SEVEN

B166564 People (Not for Publication)  
v.  
Campbell

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Johnson, J.

B164824      Wigger      (Not for Publication)  
v.  
The Attorney General of the State of California

The judgment of the superior court is affirmed. Each party is to bear its own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Johnson, J.

[illegible]

The order granting a mutual injunction is reversed and the matter remanded for an evidentiary hearing on Nora's petition. Each party is to bear his own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Johnson, J.

March 11, 2004 (Continued)

DIVISION SEVEN (Continued)

B165948      Nakajima                                      (Not for Publication)  
                 v.  
                 Versatile Media One, Inc.

The order is affirmed. Plaintiff shall recover her costs on appeal.

Zelon, J.

We concur:    Perluss, P.J.  
                 Woods, J.

B167175      People v. Green  
B169758      In re Green, on Habeas Corpus

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B159689      Ritchie  
                 v.  
                 Konrad

Filed order denying petition for rehearing.

DIVISION EIGHT

B166565      People    (Not for Publication)  
                 v.  
                 Martel

The judgment is affirmed.

Boland, J.

We concur:    Cooper, P.J.  
                 Flier, J.

DIVISION EIGHT (Continued)

B166724     People  
              v.  
              Kartiganer

Filed order denying petition for rehearing.

B163048     Timmons                                 (Not for Publication)  
              v.  
              Manatt, Phelps & Phillips, LLP, et al.

The judgment is affirmed. Costs are awarded to respondents.

Boland, J.

We concur:   Cooper, P.J.  
                  Rubin, J.